

**CHANDLER UNIFIED SCHOOL DISTRICT #80
MARICOPA COUNTY ARIZONA**

**In the Matter of Chandler Unified School
District #80,**

vs.

Annella Krom, a Continuing Teacher.

**STATEMENT OF CHARGES and
PLACEMENT ON ADMINISTRATIVE
LEAVE OF ABSENCE**

Pursuant to A.R.S. §15-539, Superintendent Dr. Camille Casteel presents this Statement of Charges against teacher Annella Krom ("Teacher") to the Governing Board of the Chandler Unified School District #80 ("District"), at its meeting held on September 11, 2019.

The Administration charges that anyone or a combination of the following charges provides good and just cause for dismissal of Teacher, and her placement on Administrative Leave of Absence with pay pursuant to A.R.S. § 15-540 effective immediately.

**I. STATEMENT OF RELEVANT GOVERNING BOARD POLICIES, ARIZONA
LAW, ARIZONA ADMINISTRATIVE CODE AND CONTRACT
PROVISIONS**

A. Violation of Governing Board Policy GBEA, Staff Ethics

Teacher is charged with violating District Policy GBEA, *Staff Ethics*, which provides in pertinent part:

All employees of the District are expected to maintain high standards in their school relationships. ... This responsibility requires the employee to maintain standards of exemplary conduct. It must be recognized that the employee's actions will be viewed and appraised by the community, associates, and students.

The school employee:

- Makes the well-being of students the fundamental value of all decision making and actions.
- Maintains just, courteous, and proper relationships with students, parents, staff members, and others.

* * *

- Supports the principle of due process and protects the civil and human rights of all individuals.

* * *

- Implements the Governing Board's policies and administrative rules and regulations.

- Refrains from using school contacts and privileges to promote partisan politics, sectarian religious views, or selfish propaganda of any kind.

B. Violation of Governing Board Policy GBEB, Staff Conduct

Teacher is charged with violating District Administrative Policy GBEB, *Staff Conduct*, which states in pertinent part:

All employees of the District are expected to conduct themselves in a manner consistent with effective and orderly education and to protect students ... All employees shall at all times attempt to maintain order, abide by the policies, rules, and regulations of the District, and carry out all applicable orders issued by the Superintendent.

No employee ... shall engage in conduct that violates the District's expectations for staff conduct, examples of which include but are not limited to the following:

- Physical or verbal abuse of, or threat of harm to, anyone.
- Unprofessional conduct.
- * * *
- Exhibiting improper attitudes.
- * * *
- A violation of District policies and regulations.
- * * *
- Any other conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions of the District, or any other activity sponsored or approved by the Board.

In addition to the foregoing, staff members are expected to:

- * * *
- Conduct themselves in a manner consistent with effective and orderly education and to protect the students and the District property.
- Maintain order in a manner consistent with District policies and regulations.
- Comply promptly with all orders of the Superintendent and the administrator who is their immediate supervisor.

C. Violation of Governing Board Policy GBEBB, Staff Conduct with Students

Teacher is charged with violating District Policy GBEBB, *Staff Conduct with Students*, which states in pertinent part:

... At all times teachers and other staff members will accord students the dignity and respect that they deserve and avoid embarrassing any student unnecessarily.

* * *

All personnel employed by the District are expected to relate to students of the District in a manner that maintains social and moral patterns of behavior consistent with community standards and acceptable professional conduct.

* * *

Staff/student relationships shall reflect mutual respect between staff members and students and shall support the dignity of the entire profession and educational process.

Violations of the above shall be considered serious and may result in severe disciplinary action.

D. Violation of Arizona Administrative Code R7-2-1308, Unprofessional and Immoral Conduct

Teacher is charged with violating Arizona Administrative Code Section R7-2-1308, *Unprofessional and Immoral Conduct*, which provides in pertinent part:

A. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. ... shall:

1. Make reasonable efforts to protect pupils from conditions harmful to learning, health or safety;

* * *

B. Individuals holding certificates issued by the Board pursuant to R7-2-601 et seq. ... shall not:

1. Discriminate against or harass any pupil or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;

* * *

15. Engage in conduct which would discredit the teaching profession.

Individuals found to have engaged in unprofessional or immoral conduct shall be subject to, and may be disciplined by, the Board.

E. Violation of Governing Board Policy GCQF, Discipline, Suspension, And Dismissal of Professional Staff Members (Teachers, Administrators and School Psychologists)

Teacher is charged with violating District Policy GCQF, *Discipline, Suspension and Dismissal of Professional Staff Member (Teachers, Administrators and School Psychologists)*, which in pertinent part states:

Misconduct means an act or omission that constitutes a breach of the employee's duties or obligations pursuant to the District's employment contract, policies, administrative regulations, or rules, or any act of omission that the District determines to be inappropriate or harmful to the District, District Personnel, students, or the school community. Misconduct includes, but is not limited to:

* * *

- Insubordination, disobedience, refusal to accept or to perform assigned duties, failure to perform assigned duties in a timely and expeditious manner, and incompetence. . . .

* * *

- Failure to interact with a student/parent/co-worker in keeping with reasonably expected standards of interaction with educators.

* * *

- Violation of the standards of ethics, conduct, and/or expectations found in statute, policies, or administrative regulations.

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Willful misconduct means any misconduct that is repeated or frequent, or an intentional and unjustified violation of District policies.

Willful misconduct shall be considered unprofessional conduct.

Willful misconduct may indicate that the employee is unfit to teach and/or has engaged in conduct that has a detrimental effect on students.

A.R.S. § 15-535 provides:

A teacher who uses sectarian or denominational books or teaches any sectarian doctrine or conducts any religious exercises in school is guilty of unprofessional conduct and his certificate shall be revoked. This section shall not be construed to prohibit a teacher from teaching the elective course permitted by section 15-717.01.

F. Violation of Teacher's Employment Contracts

Teacher is charged with violating the following provision that appears in paragraph 13 of Teacher's Employment Contract – Continuing Contract ("Teacher's Employment Contract"), accepted and signed on or about May 8, 2019 by Teacher, effective during the 2019-2020 fiscal year commencing on July 16, 2019:

Teacher agrees to abide by and be subject to the District's policies, regulations and rules, as are in effect or may be amended during the term of this Contract.

Teacher is charged with violating the following provision that appears in paragraph 18 of Teacher's Employment Contract:

Teacher shall not discriminate against any employee, student, parent, contractor, or other member of the public because of the person's gender (sexual orientation), race, religion, color, national origin, age or disability.

The same language appears in paragraph 16 of Teacher's Employment Contract for the 2018-2019 fiscal year.

II. SPECIFIC FACTUAL ALLEGATIONS THAT SUPPORT THIS STATEMENT OF CHARGES

The specific factual allegations set forth below support the charges that Teacher has engaged in a pattern of objectionable and unprofessional conduct that violates Governing Board Policies, Administrative Regulations, the Arizona Administrative Code and Teacher's Employment Contracts with the District.

General

1. Teacher and the District entered into the Teacher's Employment Contract for the 2018-2019 fiscal year.
2. Teacher and the District entered into the Teacher's Employment Contract – Continuing Contract for the 2019-2020 fiscal year.
3. Teacher has been employed as a certificated teacher with the District for approximately three and one-half years. Teacher was and is aware of and familiar with the District's Policies and Administrative Regulations.
4. Teacher is employed to teach Art at Arizona College Preparatory ("ACP" or "School"), Erie Campus. During the 2018-2019 and 2019-2020 school years, Teacher has taught Ceramics, Drawing and Painting, and AP Studio Art or AP Portfolio. None of these classes are authorized pursuant to A.R.S. § 15-717.01 to relate to or involve instruction about the Bible or religious beliefs and doctrines.
5. The School enrolls students in grades 9 through 12.

6. Teacher was and is aware that public schools are a secular environment.
7. On August 13, 2019, Teacher met with the Principal and the District's Assistant Superintendent for Human Resources ("the August 13, 2019 meeting") to discuss concerns brought to their attention, as more fully described in subsequent paragraphs herein.
8. On August 26, 2019, Teacher met with the District's Assistant Superintendent for Human Resources and the District's outside counsel ("the August 26, 2019" meeting) to discuss concerns brought to their attention, as more fully described in subsequent paragraphs herein. Teacher had a lengthy opportunity to review and revise the notes to ensure their accuracy; Teacher thereafter affirmed in writing that the notes were accurate.

2018-2019 School Year

9. During the August 13, 2019 and August 26, 2019 meetings, Teacher admitted that during the 2018-2019 school year she had a conversation with Student 2, who is transgender. Teacher admitted that she probably shared with the student that being LGBTQ was against Teacher's religious beliefs.
10. During the August 13, 2019 and August 26, 2019 meetings, Teacher admitted that during the 2018-2019 school year, Teacher would sometimes call transgender students by their preferred (rather than legal) name but refused to use their preferred pronoun.
11. In or about May 2019 several students, including Student 2, in Teacher's art class at one of the tables began discussing religion and it evolved into a discussion about LGBTQ and LGBTQ students. Student 2 then continued the conversation with Teacher in the classroom and it included discussion about Student 2 being transgender. Student 2 reported that Teacher told Student 2 that Teacher believed it was a sin to be gay and to deviate from one's sex at birth. Teacher further stated to Student 2 that teacher would use her name but would only use male pronouns which was not the pronoun Student 2 preferred. Student 2 reported that during this conversation, Teacher said that she [Teacher] believed that LGBTQ persons would go to hell. During the August 26, 2019 meeting, Teacher stated it was possible that she told students that it was a sin to be gay, because it is what she believes.
12. During the conversation described in paragraph 10 above, Teacher asked the students not to tell anyone, including the Principal, about their discussion. On August 26, 2019, Teacher acknowledged that it is not out of the realm that she could have said this, because she knew that teachers are generally directed not to share their religious or political views.
13. During the August 26, 2019 meeting, Teacher stated during the 2018-2019 school year, on multiple occasions Teacher during class would engage in discussions with various students about religion. This included debates with Student 5 which could be observed and heard by other students.

14. During the August 26, 2019 meeting, Teacher admitted that because Student 5 was a Christian, she would help him navigate situations from a biblical perspective; Teacher would refer to the biblical texts to help him with his thoughts and behaviors. Sometimes they would discuss the biblical texts. These discussions were not related to classwork or any assignments. These discussions were in the presence of students who were not engaged in the discussion.
15. Teacher questioned Student 4 regarding her pro-Choice belief, and then Teacher offered the student a Bible and told Student 4 that she [Student 4] should rethink her morals.
16. After Student 4 indicated she was agnostic or atheist, Teacher told Student 4 she should rethink her life decisions and should go to church. The next day, Teacher changed Student 4's grade on an assignment from 80% to 60% and told Student 4 that the dynamics had changed. Student 4 reasonably believed the change in her grading was the result of discrimination by Teacher.

2019-2020 School Year

17. During the 2019-2020 school year, Teacher posted an assignment on the AP board for a project involving: (a) quality pieces and (b) sustained investigation. Teacher directed the students to the AP website page about the assignment. Teacher placed no restriction on topics for the assignment as she understood that restrictions would not align with AP Guidelines.
18. On or about July 30, 2019 Student 1 proposed to Teacher a project depicting their transgender journey ("Project"). On or about August 1, 2019 Teacher denied Student 1's proposed project via email stating it was a controversial topic, Teacher indicated she did not want the topic to spark division in the classroom, and it was an inappropriate topic for a classroom environment. Teacher subsequently acknowledged that she rejected the topic because it conflicted with Teacher's religious beliefs.
19. On or about August 2 and August 6, 2019, Student 1 communicated with the School's Counselor regarding Student 1's proposed and rejected Project. Via e-mail, Student 1 identified to the Counselor his concepts for the Project. The Counselor reviewed the information provided and notified the Principal that there was nothing in the proposed Project that was inappropriate or that would spark controversy. The Principal notified Teacher he was getting guidance regarding Teacher's denial of Student 1's proposed Project.
20. While the Administration was looking into Teacher's decision regarding Student 1's proposed Project, Teacher directed Student 1 to work on technique and not to talk during class. As the decision regarding the Project was not yet final, Student 1 was unable to work in class on his project for the assignment like other students.

21. On or about August 7, 2019, the Principal informed Teacher that, based upon guidance received from an Assistant Superintendent, there was nothing offensive in the proposed Project and Teacher could not deny Student 1's proposed Project. The Principal directed Teacher to allow the Project topic and grade Student 1's Project based upon the rubric applicable to all projects for the assignment.
22. On or about August 8, 2019 Teacher asked for leave and indicated in an email she needed time to determine how to respond to the Principal's instruction, "as this may be a hill to die on".
23. On or about August 9, 2019 Teacher entered points in the class grade book. Teacher gave Student 1 less points due to his failure to participate in class, including during the time Teacher told Student 1 not to talk during class and to do work different than the other students. Teacher also gave Student 1 zero points out of fifty possible points for Student 1's work related to the Project.
24. On or about August 11, 2019, Teacher sent an email to the Principal and Student 1 (using his legal name, rather than his preferred name) stating that due to the topic of the Project, giving it a grade would violate Teacher's conscience and she could not give it a grade higher than 0/50 points. Teacher wrote, "I understand that you are probably unwilling to change your topic at this point, but I cannot be forced to compromise by convictions." Teacher indicated to both: "Thank you for your time and God Bless".
25. On or about August 11, 2019, Teacher sent another email to the Principal, in which she stated that he was asking her to do something that she considered to be ethically disturbing as she was unable to grade the student's work. Teacher stated, "Either this topic is the priority, or the word of God is." Teacher stated that she saw the situation as a "hill worth dying on". Teacher further stated that if she does not condone LGBTQ+ lifestyle, she cannot assist in creating artwork that glorifies this lifestyle.
26. During the August 13, 2019 meeting, during a discussion regarding Student 1's Project. Teacher stated she cannot leave her Christian values outside of the classroom.
27. On August 15, 2019, Teacher signed a statement where she stated she was unable to refrain from discussing her Christian faith with her students. Teacher also confirmed she is unwilling to refer to transgender students by their preferred name or pronoun due to her religious beliefs.
28. Participation points in Teacher's class are supposed to be awarded based upon a student's work done in class. Student 1 objected to the grade given by Teacher for participation and for Student 1's Project, believing it was unfair. In awarding points and a zero on the Project, Teacher discriminated against Student 1 due to his transgender status and his Project's topic about a transgender journey. Student 1 has requested to leave Teacher's

class due to Teacher's treatment of him.

29. During the August 26, 2019 meeting, Teacher acknowledged that she had been unjust in awarding Student 1 zero points for his Project work. Teacher further acknowledged that she did so because she could not condone the Project due to her personal religious beliefs.
30. Teacher has admitted that during the 2019-2020 school year, Teacher intentionally refused to call transgender students by their preferred name and/or pronoun. Teacher acknowledged that she would call other students by their preferred (rather than legal) names.
31. The transgender students reasonably felt disrespected by Teacher's refusal to address them using their preferred name and/or pronoun. The transgender students reasonably viewed Teacher's behavior as mis-gendering and "dead naming" them. The transgender students have reasonably questioned the impartiality and fairness of Teacher in awarding grades for assignments and for participation in class.
32. During the August 26, 2019 meeting, Teacher acknowledged that the School Counselor informed her when a transgender student's preferred name was not the same as their legal name. Teacher was also aware of their preferred name from the students.
33. During the August 26, 2019 meeting, Teacher admitted that she was aware that referring to transgender students by their legal name instead of their chosen or preferred name makes such students feel bad about themselves.
34. During the August 26, 2019 meeting, Teacher admitted that she knows and understands that as the teacher it is not her place to judge LGBTQ students based upon their sexual orientation or sex.
35. Near the beginning of the 2019-2020 school year, Teacher took a box of Bibles from the staff workroom and placed them into her classroom at the end of her table. The Teacher told the students the Bibles were a gift to the School and they could take one if they wanted. Two students took a Bible from the box.
36. During the August 13, 2019 and August 26, 2019 meetings, Teacher admitted placing the Bibles in her classroom for distribution to students. According to Teacher, she placed the Bibles in her classroom room, with a sign stating that the Bibles were donated to ACP and "feel free to take one if you want". Teacher admitted two students took Bibles from her classroom.
37. Parent 1 reported to the Administration that Student 2 said she obtained a Bible from Teacher at the beginning of this school year. Parent 1 was taken aback by Teacher distributing Bibles to students.

38. Parent 1, the parent of Student 2, reported that Student 2's attitude about Teacher changed after Student 2 disclosed she was transgender to Teacher and Student 2 learned that teacher was not supportive. Parent 1 expressed concerns over Student 1's welfare and grades now that Teacher is aware of Student 2 being transgender.

2018-2019 and 2019-2020 School Years and Teacher's Admissions

39. Multiple students in interviews stated that Teacher's expressed negative viewpoints against LGBTQ persons make them apprehensive and afraid they are not receiving fair or equal treatment from Teacher due to their LGBTQ status.
40. Student 3 altered her topic for an assignment during the 2019-2020 school year because of Teacher's expressed anti-LGBTQ viewpoints.
41. During class at various times and days in the 2018-2019 and 2019-2020 school years, Teacher would engage in discussions of religion and the Christian perspective on various topics with one or more students that was unrelated to classwork. Multiple students in interviews stated that Teacher has pushed or advocated her personal religious beliefs with students including expressing anti-LGBTQ beliefs. These include that Teacher does not believe in transgender, that homosexuals are just confused, that the LGBTQ lifestyle is a sin, and that LGBTQ persons will go to hell.
42. During the August 26, 2019 meeting, Teacher stated she had spoken about her religion and Christian views in class during the past year and one-half. Teacher acknowledged that she could see how her discussions with students about religion violated A.R.S. § 15-535 and Policy GBEA.
43. During meetings of the Artful Dodgers Club, for which Teacher was a sponsor of the student club, at various times and days in the 2018-2019 and 2019-2020 school years, Teacher would engage in discussions of religion with one or more students that was unrelated to the Club.
44. During the August 26, 2019 meeting, Teacher stated that she was aware that teachers should not share their personal religious and political views with students.
45. During the August 26, 2019 meeting, Teacher stated she understands that the District cannot allow her to speak about her religion with students during class instruction time but disagrees with the law.
46. During the August 26, 2019 meeting, Teacher stated she would not abide by lawful directives from the Administration of the School or the District where such instructions conflict with her personal religious beliefs.
47. During the August 26, 2019 meeting, Teacher stated it was possible that she encouraged

students to go to church.

III. CONCLUSION

The above-charges and specific facts support a finding that Teacher has engaged in a pattern of objectionable, disrespectful and unprofessional conduct that jeopardized students' well-being, all in violation of Governing Board Policies and Administrative Regulations, as well as in violation of ethical standards set forth in the same, and that further violated the Arizona Administrative Code and the terms of Teacher's Employment Contract with the District.

A teacher's free speech rights, while in the classroom or during the school day while on contract time with students, are overridden by a public school's interest in avoiding a First Amendment Establishment Clause violation. *Peloza v. Capistrano Unified School District*, 37 F.3d 517 (9th Cir. 1994), *cert. denied*, 515 U.S. 1173 (1995). There is no violation of a teacher's First Amendment right when he is directed to teach secular information even if the information conflicts with the teacher's personal religious beliefs. *Id.*

The above-charges and specific facts constitute good and just cause to recommend Teacher's dismissal to the Governing Board in accordance with A.R.S. §§ 15-539 and 15-540. A copy of the above-referenced Employment Contracts, Governing Board Policies and Administrative Regulations, and A.R.S. §§ 15-501, 15-538.01, 15-539 through 15-542, and §§15-544 through 15-547, and A.A.C. R7-2-1308 are attached hereto and incorporated herein.

Respectfully submitted to the Chandler Unified School District Governing Board on September 11, 2019 by:

Dr. Camille Casteel, Superintendent
Chandler Unified District #80